

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2013-212-S - ORDER NO. 2013-551

JULY 31, 2013

IN RE: Application of Jacabb Utilities, LLC for) ORDER APPROVING
Approval of the Sanitary Sewerage Asset) SANITARY SEWERAGE
Purchase Agreement with Links Water) ASSET PURCHASE
Treatment, LLC to Service Customers in) AGREEMENT AND
Greenville County, South Carolina) TRANSFER OF SYSTEM

This matter comes before the Public Service Commission of South Carolina (the “Commission”) on the Application of JACABB Utilities, LLC (“JACABB” or “Applicant”) for approval of a Sanitary Sewerage Asset Purchase Agreement (“Agreement”) with Links Water Treatment, LLC (“Links”). The Agreement states, in part, that Links desires to sell and JACABB desires to purchase all of the properties, assets, and rights of Links in and to The Links of Tryon Subdivision wastewater treatment facility serving customers in Greenville County, South Carolina. Upon obtaining appropriate approvals, JACABB would provide sewerage service to the property owners in The Links of Tryon Subdivision (“the Subdivision”) in Greenville County, South Carolina. The agreement between JACABB and Links regarding the sale of assets was entered into on May 1, 2013.

A Notice of Filing was published in the *Spartanburg Herald-Journal*, a newspaper of general circulation in the Greenville County service area. No protests or

Petitions to Intervene were filed. The Office of Regulatory Staff (“ORS”) does not object to the proposed transfer.

JACABB has presented us with the Sanitary Sewerage Asset Purchase Agreement signed by representatives of the parties and requests that we proceed without a hearing in this matter. We would note that JACABB is an established provider of water and wastewater services in South Carolina. We will proceed to review the matter without a hearing, since there is no opposition to the relief sought.

We would note that the Applicant requests permission to charge Links the quarterly rate that presently exists, which is \$189.90. This rate was approved in Order No. 2003-236. The ORS does not oppose approval of the Application, which also includes a request for approval of certain nonrecurring charges:

Notification Fee - \$15.00

New Customer Account Charge - \$25.00

Plant Impact Fee - \$800.00

New Sewer Service Connections - \$250.00

10 S.C. Code Ann. Regs. 103-504 states that the transfer of a wastewater utility requires the issuance of a certificate from this Commission that the transfer of the utility is in the public interest. Further, the regulation states that such a certificate shall be granted only after certain information is provided to this Commission and provided to ORS, and after notice has been given to the Department of Health and Environmental Control (“DHEC”) and other interested wastewater utilities, and to the public, and after due hearing. We find that the parties have complied with the terms of the regulation.

First, the appropriate information has been provided to both this Commission and to ORS, and proper notice has been given to DHEC and to the public. We do not believe that there are any interested wastewater utilities that should have been provided with the requisite notice. We hold that the “due hearing” in this matter was the Commission public agenda session in which this matter was presented to the Commission for disposition. The members of this Commission had an opportunity to make any inquiries deemed appropriate at that time.

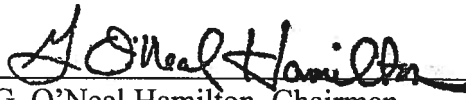
Further, we have no difficulty in issuing a ruling that the transfer of the subject wastewater system is in the public interest. JACABB Utilities, LLC is an established wastewater utility, and is located in the general service area. We believe that JACABB is capable of serving the Subdivision. We approve JACABB’s request to charge the rates already approved in Order No. 2003-236, and also, the additional nonrecurring rates proposed by it. Accordingly, we hereby grant the requisite certificate that the transfer is in the public interest, and we approve the agreement between the parties and the transfer of the subject utility to JACABB Utilities, LLC.

JULY 31, 2013

PAGE 4

This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:


G. O'Neal Hamilton, Chairman

ATTEST:



Nikiya Hall, Vice Chairman

(SEAL)